

EXHIBIT 3

1 HANSON BRIDGETT LLP
KURT A. FRANKLIN, SBN 172715
2 kfranklin@hansonbridgett.com
SAMANTHA WOLFF, SBN 240280
3 swolff@hansonbridgett.com
CAROLINE LEE, SBN 293297
4 cleee@hansonbridgett.com
JENNIFER ANIKO FOLDVARY, SBN 292216
5 jfoldvary@hansonbridgett.com
425 Market Street, 26th Floor
6 San Francisco, California 94105
Telephone: (415) 777-3200
7 Facsimile: (415) 541-9366

8 HANSON BRIDGETT LLP
TYSON M. SHOWER, SBN 190375
9 tshower@hansonbridgett.com
LANDON D. BAILEY, SBN 240236
10 lbailey@hansonbridgett.com
500 Capitol Mall, Suite 1500
11 Sacramento, California 95814
Telephone: (916) 442-3333
12 Facsimile: (916) 442-2348

13 OTTEN LAW, PC
VICTOR OTTEN, SBN 165800
14 vic@ottenlawpc.com
KAVITA TEKCHANDANI, SBN 234873
15 kavita@ottenlawpc.com
3620 Pacific Coast Highway, #100
16 Torrance, California 90505
Telephone: (310) 378-8533
17 Facsimile: (310) 347-4225

18 Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
19 REED, and COASTAL PROTECTION
RANGERS, INC.
20

21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
23

24 CORY SPENCER, an individual;
25 DIANA MILENA REED, an
individual; and COASTAL
26 PROTECTION RANGERS, INC., a
27 California non-profit public benefit
corporation,
28

CASE NO. 2:16-cv-02129-SJO (RAOx)
**PLAINTIFF COREY SPENCER
SUPPLEMENTAL RESPONSES TO
INTERROGATORIES, SET ONE
PROPOUNDED BY DEFENDANT
BLAKE BLAKEMAN**

1
2 Plaintiffs,

3 v.

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

4 LUNADA BAY BOYS; THE
5 INDIVIDUAL MEMBERS OF THE
6 LUNADA BAY BOYS, including but
7 not limited to SANG LEE, BRANT
8 BLAKEMAN, ALAN JOHNSTON
9 AKA JALIAN JOHNSTON,
10 MICHAEL RAE PAPAYANS,
11 ANGELO FERRARA, FRANK
12 FERRARA, CHARLIE FERRARA,
13 and N. F.; CITY OF PALOS
14 VERDES ESTATES; CHIEF OF
15 POLICE JEFF KEPLEY, in his
16 representative capacity; and DOES
17 1-10,

18 Defendants.

19 PROPOUNDING PARTY: Defendant BRANT BLAKEMAN

20 RESPONDING PARTY: Plaintiff CORY SPENCER

21 SET NO.: SUPPLEMENTAL

22 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff
23 CORY SPENCER ("Responding Party") hereby submits these objections
24 and responses to Interrogatories, Set One, propounded by Defendant
25 BRANT BLAKEMAN ("Propounding Party").

26 **PRELIMINARY STATEMENT**

27 Nothing in this response should be construed as an admission by
28 Responding Party with respect to the admissibility or relevance of any fact,
or of the truth or accuracy of any characterization or statement of any kind
contained in Propounding Party's Interrogatories. Responding Party has not
completed its investigation of the facts relating to this case, its discovery or

1 its preparation for trial. All responses and objections contained herein are
2 based only upon information that is presently available to and specifically
3 known by Responding Party. It is anticipated that further discovery,
4 independent investigation, legal research and analysis will supply additional
5 facts and add meaning to known facts, as well as establish entirely new
6 factual conclusions and legal contentions, all of which may lead to
7 substantial additions to, changes in and variations from the responses set
8 forth herein. The following objections and responses are made without
9 prejudice to Responding Party's right to produce at trial, or otherwise,
10 evidence regarding any subsequently discovered information. Responding
11 Party accordingly reserves the right to modify and amend any and all
12 responses herein as research is completed and contentions are made.

13 **SUPPLEMENTAL RESPONSES TO INTERROGATORIES**

14 **INTERROGATORY NO. 1:**

15 IDENTIFY ALL PERSONS that have knowledge of any facts that
16 support your contention that BRANT BLAKEMAN participated in any way in
17 the "commission of enumerated 'predicate crimes'" as alleged in paragraph
18 5 of the Complaint, and for each such PERSON identified state all facts you
19 contend are within that PERSON's knowledge.

20 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:**

21 Responding Party objects to this interrogatory as premature. Because
22 this interrogatory seeks or necessarily relies upon a contention, and
23 because this matter is in its early stages and pretrial discovery has only just
24 begun, Responding Party is unable to provide a complete response at this
25 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
26 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
27 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
28 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]

1 interrogatory need not be answered until designated discovery is complete,
2 or until a pretrial conference or some other time.”).

3 Responding Party further objects to this interrogatory as unduly
4 burdensome, harassing, and duplicative of information disclosed in
5 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
6 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
7 and supplemental disclosures for the information sought by this
8 interrogatory. Moreover, Responding Party had the opportunity to depose
9 Mr. Spencer on this topic.

10 Responding Party further objects to this interrogatory as compound.
11 This “interrogatory” contains multiple impermissible subparts, which
12 Propounding Party has propounded to circumvent the numerical limitations
13 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

14 Responding Party further objects to this interrogatory on the grounds
15 that it seeks information that is outside of Responding Party’s knowledge.

16 Responding Party further objects to the extent that this interrogatory
17 invades attorney-client privilege and/or violates the work product doctrine by
18 compelling Responding Party to disclose privileged communications and/or
19 litigation strategy.

20 Subject to and without waiver of the foregoing objections, Responding
21 Party responds as follows:

22 In addition to each defendant named in his individual capacity and
23 other persons identified in Plaintiffs’ Initial and Supplemental Disclosures,
24 and the evidence submitted in support of Plaintiffs motion for class
25 certification, Responding Party identifies the following individuals:

26 Cory Spencer: Spencer believes that Blakeman engaged in a
27 concerted effort with other Bay Boys to obstruct his free passage and use in
28 the customary manner of a public space. Spencer also believes that

1 Blakeman coordinated with other Bay Boys to assault him while he was
2 surfing. Spencer believes that the conduct directed at him and others trying
3 to surf Lunada Bay is part of an agreement among Blakeman and the other
4 Bay Boys, which at a minimum, may be implied by the conduct of the parties
5 and other members of the Bay Boys. Spencer believes that the Bay Boys
6 concerted efforts to stop the public from accessing the beach are
7 documented in text messages and emails being withheld by the Defendants
8 in this case. For example, Plaintiffs are informed and believe that a text
9 message was sent to Defendant Papayans on February 7, 2016, by a Bay
10 Boy inquiring "How was all that Taloa shit? Charley called me and my dad
11 said why weren't you down there." In addition, Plaintiffs believe that the Bay
12 Boys take photos and/or video tape people as a form of harassment and
13 intimidation. For example, plaintiffs are also informed and believe that a
14 Lunada Bay local named Joshua Bernstein was taking pictures at the MLK
15 2014 paddle out. Plaintiffs are also informed and believe that Bernstein told
16 several people after he photographed them "know we know who you are."

17 The specific acts directed against Spencer include but are not limited
18 to the following:

19 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
20 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
21 They were told that they couldn't surf there, and Spencer was called a
22 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
23 you fucking go home, you fucking kook" and asked "how many other good
24 places did you pass to come here?" These are the same types of statements
25 made by Defendant Sang Lee and others that can be observed on the video
26
27
28

1 published by the Guardian.¹ These taunts started while Spencer and Taloa
2 were on the bluffs getting ready to surf. One individual continued to heckle
3 Spencer and Taloa on their way down to the beach and into the water.

4 Blakeman was already in the water and began paddling around
5 Spencer and Taloa in a tight circle – staying just a few feet away from them.
6 There was no legitimate reason for this conduct. Spencer believes that this
7 is a tactic used by the Bay Boys to harass people.² Blakeman impeded
8 Spencer's movement in any direction and was intentionally blocking him
9 from catching any waves. It was clear to Spencer that Blakeman was not
10 there to surf that morning. Instead, his mission was to prevent Spencer and
11 Taloa from surfing and to keep them from enjoying their time in the water,
12 the open space, the waves, and nature. This the type of concerted effort was
13 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
14 people from surfing at Lunada Bay. In the approximately 90 minutes that
15 Spencer was in the water that day, Blakeman was focused on Spencer and
16 Taloa and continued to shadow their movements, and sit uncomfortably
17 close to them. Spencer had never experienced anything like that before in
18 his life. It was bizarre but also incredibly frightening and disturbing. It
19 appeared to Spencer that Blakeman was coordinating his actions with a
20 group of guys who were standing in the Rock Fort, along with others in the
21 water. They were all talking to each other and it was clear they all knew
22 each other.

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25 ¹ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
26 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

27 ² Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
and me and Jack just sat on his ass."

1 At one point while Spencer was in the water and was paddling west
2 out to the ocean, he saw a man surfing, coming in east towards the shore.
3 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
4 of the fins on his surfboard sliced open his right wrist. Spencer has about a
5 half-inch scar from where this man ran him over. As soon as the Bay Boy
6 ran him over, he started berating Spencer, saying things like "what are you
7 fucking doing out here? I told you to go home. I should have run you over.
8 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
9 was pretending that he didn't see Spencer but it was obvious that he did and
10 intentionally ran him over. With over 30 years of surfing experience, Spencer
11 knew that this collision was intentional on his part. Fearful of being further
12 injured at that point, and not wanting to get into an argument with him,
13 Spencer just paddled away. Spencer and Taloa caught one more wave after
14 that and then decided it was getting too dangerous to surf. More men started
15 showing up at the Rock Fort and Spencer and Taloa were growing
16 increasingly fearful for their safety. Spencer was also bleeding and in pain.
17 These incidents are described in the declarations filed with Plaintiffs motion
18 for class certification and the deposition of Spencer.

19 Spencer further identifies the following individuals as having
20 knowledge of concerted efforts by the Bay Boys, including Blakeman:

21 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
22 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
23 shadowing Spencer's movement in the water. Blakeman was in the water
24 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
25 toward Taloa, at which point Taloa told him that he was too close.
26 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
27 Taloa kept moving in the water, and Blakeman attempted to keep up with
28 him but was not in good enough shape to do so.

1 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
2 by Blakeman and other Lunada Bay locals on multiple occasions. On
3 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
4 Wright and harassed them. Blakeman was there filming the incident.³ On
5 February 13, 2016, Reed and Wright returned to Lunada Bay and Blakeman
6 and a teenage boy attempted to block their pathway on the trail. Blakeman
7 and the other boy were filming Reed and Wright, and Blakeman told them
8 that they were "done," in a hostile and threatening manner. Later that
9 morning, after Reed and Wright had continued down the path, Blakeman
10 and Defendant Alan Johnston rushed into the Rock Fort where Reed was
11 taking photos; the assault appeared to be a coordinated and orchestrated
12 and in retaliation for an article that appeared in the Los Angeles Times.
13 Blakeman was filming Reed and had his camera close to her face. Reed
14 asked why he was filming her, and Blakeman responded, "Because I feel
15 like it," and Johnston responded, "Because you're hot." Charlie Ferrara was
16 present during this incident, and observed the entire thing. Although Ferrara
17 apologized later for their behavior, he appeared to be complicit in Blakeman
18 and Johnston's actions. These incidents are described in the declarations
19 filed with Plaintiffs motion for class certification and the deposition of Reed.

20 Jen Bell. The incident described above was witnessed by a woman
21 named Jen Bell who had gone to Lunada Bay that same day to photograph
22 a guy from Malibu. When she attempted sit down on the beach with her
23 pack, a man said: "You are practically sitting in a men's locker-room. You
24

25 _____
26 ³ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 don't make me feel comfortable". Bell continued to sit there for another 10
2 minutes because she refused to be intimidated but eventually decided to head
3 over to the fort because she saw another woman, Diana Reed, was taking
4 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It
5 was obvious from the start that Johnston and Blakeman were there with the
6 intent to harass Reed. Johnston was making rude comments to both her and
7 Reed. Blakeman was putting the GoPro in their faces. Johnston was
8 chugging multiple beers and it was early in the morning. Johnston asked her
9 to help him with his wetsuit. He said "Can you help me with this?" and
10 handed her the leg of his wetsuit. Johnston made moaning sounds when
11 she took it like he was having an orgasm.

12 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
13 with Chris Claypool and Kenneth Claypool. He observed Blakeman
14 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
15 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
16 foot-high wave and was up riding for several seconds. Alan Johnston
17 paddled the wrong way on this wave, dropped in on him going the wrong
18 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
19 while going the wrong way violates normal surf etiquette. Johnston then
20 collided with Wright, and their leashes got tangled. After they surfaced from
21 the collision, Johnston then got close to Wright and yelled, "You had to
22 fucking take that wave, didn't you!" The next wave that came through then
23 broke Wrights leash plug and the board was carried into the rocks, which
24 destroyed a new surfboard. Wright had to swim in over rocks to get his
25 board and cut his hands on the rocks doing so. Wright is confident that
26 Johnston attempted to purposefully injure him. What he did was extremely
27 dangerous.

28 Wright has observed Blakeman on many occasions. Blakeman is easy

1 to identify because he rides a kneeboard and he is regularly filming visitors
2 on land with a camcorder. Wright believes his filming is an effort to intimidate
3 visitors. In the water, Wright has observed what appears to be Blakeman
4 directing other Bay Boys to sit close to visiting surfers. Wright has observed
5 Bay Boys who seem to be assigned to visiting surfers—they'll sit
6 too close to the visitors, impede their movements, block their surfing, kick at
7 them, splash water at them, and dangerously drop in on them. In addition to
8 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
9 Charlie Ferrara, and David Mello engage in this activity. These incidents are
10 described in the declarations filed with Plaintiffs motion for class certification.

11 Ken Claypool has been harassed and filmed by Blakeman in an
12 attempt to intimidate him at Lunada Bay on multiple occasions. In January
13 2015, Claypool and his brother Chris Claypool along with Jordan Wright
14 went to surf Lunada Bay. There were about five Lunada Bay locals in the
15 water, including Blakeman who paddled over and threatened them. Claypool
16 observed Blakeman intentionally dropped in on Wright at least twice.

17 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa
18 and Jordan Wright. There was a photographer from the Los Angeles Times
19 that was there. Also in attendance was Cory Spencer and Diana Reed.
20 Spencer was there to watch the cars. Blakeman was there filming in an
21 effort to intimidate visitors. Blakeman can be seen in one of the pictures
22 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
23 are informed and believe that there was a text message sent that day to
24 Papayans, Michael Theil and 11 other people stating that there were 5
25 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are
26 informed that the text states: "Things could get ugly. We all need to surf."
27 These incidents are described in the declarations filed with Plaintiffs motion
28 for class certification.

1 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
2 Lunada Bay in January 2015. There were about five locals in the water,
3 including Blakeman who paddled over and was yelling "Try and catch a
4 wave and see what happens. There is no fucking way you are getting a
5 wave. Just go in. Just go. You better not cut me off." Blakeman looked
6 possessed or possibly on drugs. His behavior got more bizarre throughout
7 the morning. He seemed to be paddling for every wave that he could
8 physically push himself into, perhaps to make a point, but he was wiping out
9 a lot and falling down the face and tumbling across the rock reef. Blakeman
10 looked dangerous to himself. When Blakeman would actually catch a wave
11 in, he would paddle back to where Claypool and his brother were sitting, and
12 continue his insane rant. On one occasion, Blakeman came less than 12
13 inches from Claypool's ear and was screaming. It was so loud, Claypool had
14 to put his fingers in his ear to protect them from being damaged. Claypool is
15 a sound engineer and to put this in perspective, a rock concert creates about
16 120 decibels of noise - this was louder; a jet engine creates about 150
17 decibels. At one point Blakeman caught a wave and drew a line aiming right
18 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
19 as he narrowly missed Claypool's head. Claypool watched as Blakeman
20 intentionally dropped in on Jordan at least twice. It seemed obvious to
21 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
22 them were having fun. Because of the danger, they decided to leave.

23 When Claypool and his brother got out of water, they saw people
24 gathering on top of the cliff. One person was videotaping them from the top
25 of the cliff; it was clear to Claypool that he was doing this to try and
26 intimidate them. The people were watching them from the cliff. It was
27 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
28 obstruct his free passage and use in the customary manner of a public

1 space. It also seemed clear that Blakeman engaged in a concerted effort
2 with other Bay Boys to try and injure him. These incidents are described in
3 the declarations filed with Plaintiffs motion for class certification.

4 Jason Gersch. While observing the surf, Gersch was approached by
5 two local Bay Boys named Peter McCollum and Brant Blakeman. These
6 individuals made it known to Gersch that he could not surf there. These
7 incidents are described in the declarations filed with Plaintiffs motion for
8 class certification.

9 Plaintiffs are informed and believe and on that basis allege that
10 Defendant Blakeman and his attorneys are attempting to intimidate
11 witnesses in this case. On at least two occasions, an investigator hired by
12 Blakeman's attorneys contacted witnesses they knew were represented by
13 Plaintiffs' attorneys. The investigator also showed up at the home of a
14 reporter that has not been listed as a witness.

15 The request is premature. Because Blakeman and the other
16 defendants are refusing to comply with their obligations to produce
17 documents under the federal rules and are impermissibly withholding
18 evidence and/or possibly spoliating evidence, we are not able to fully
19 respond to discovery requests which necessarily rely on our ability to fully
20 investigate the facts. As discovery is continuing, Spencer reserves the right
21 to update this response.

22 **INTERROGATORY NO. 2:** IDENTIFY ALL PERSONS that have
23 knowledge of any facts that support your contention in paragraph 7 of the
24 Complaint that BRANT BLAKEMAN "is responsible in some manner for the
25 Bane Act violations and public nuisance described in the Complaint" and for
26 each such PERSON identified state all facts you contend are within that
27 PERSON's knowledge.

28

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.").

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party's Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party's Rule 26(a) disclosures and supplemental disclosures for the information sought by this interrogatory. Moreover, Responding Party had the opportunity to depose Mr. Spencer on this topic.

Responding Party further objects to this interrogatory as compound. This "interrogatory" contains multiple impermissible subparts, which Propounding Party has propounded to circumvent the numerical limitations on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

Responding Party further objects to this interrogatory on the grounds that it seeks information that is outside of Responding Party's knowledge.

Responding Party further objects to the extent that this interrogatory invades attorney-client privilege and/or violates the work product doctrine by compelling Responding Party to disclose privileged communications and/or litigation strategy.

1 Subject to and without waiver of the foregoing objections, Responding
2 Party responds as follows:

3 In addition to each defendant named in his individual capacity and
4 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
5 and the evidence submitted in support of Plaintiffs motion for class
6 certification, Responding Party identifies the following individuals:

7 Cory Spencer: Spencer believes that Blakeman engaged in a
8 concerted effort with other Bay Boys to obstruct his free passage and use in
9 the customary manner of a public space. Spencer also believes that
10 Blakeman coordinated with other Bay Boys to assault him while he was
11 surfing. Spencer believes that the conduct directed at him others trying to
12 surf Lunada Bay is part of an agreement among Blakeman and the other
13 Bay Boys, which at a minimum, may be implied by the conduct of the parties
14 and other members of the Bay Boys. Spencer believes that the Bay Boys
15 concerted efforts to stop the public from accessing the beach are
16 documented in text messages and emails being withheld by the Defendants
17 in this case. For example, Plaintiffs are informed and believe that a text
18 message was sent to Defendant Papayans on February 7, 2016, by a Bay
19 Boy inquiring "How was all that Taloa shit? Charley called me and my dad
20 said why weren't you down there." In addition, Plaintiffs believe that the Bay
21 Boos take photos and/or video tape people to harass and intimidt them.
22 For example, Plaintiffs are also informed and believe that a Lunada Bay
23 local named Joshua Berstein was taking pictures at the MLK 2014 paddle
24 out. Plaintiffs are also informed and believe that Berstein told several people
25 after he photographed them "know we know who you are." Plaintiffs are
26 informed and believe that the Bay Boys use cameras to harass and
27 intimidate people. These incidents are described in the declarations filed
28 with Plaintiffs motion for class certification and the deposition of Taloa.

1 The specific acts directed against Spencer include but are not limited
2 to the following:

3 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
4 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
5 They were told that they couldn't surf there, and Spencer was called a
6 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
7 you fucking go home, you fucking kook" and asked "how many other good
8 places did you pass to come here?" These are the same types of statements
9 made by Defendant Sang Lee and others that can be observed on the video
10 published by the Guardian.⁴ These taunts started while Spencer and Taloa
11 were on the bluffs getting ready to surf. One individual continued to heckle
12 Spencer and Taloa on their way down to the beach and into the water.

13 Blakeman was already in the water and began paddling around
14 Spencer and Taloa in a tight circle – staying just a few feet away from them.
15 There was no legitimate reason for this conduct.⁵ Spencer believes that this
16 is a tactic used by the Bay Boys to harass people. Blakeman impeded
17 Spencer's movement in any direction and was intentionally blocking him
18 from catching any waves. It was clear to Spencer that Blakeman was not
19 there to surf that morning. Instead, his mission was to prevent Spencer and
20 Taloa from surfing and to keep them from enjoying their time in the water,
21 the open space, the waves, and nature. This the type of concerted effort was
22 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep

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25 ⁴ <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26 ⁵ Plaintiffs are informed and believe that Defendant Papayans sent a text
27 message describing similar conduct: "We just had a kook out in the water
28 and me and Jack just sat on his ass."

1 people from surfing at Lunada Bay. In the approximately 90 minutes that
2 Spencer was in the water that day, Blakeman was focused on Spencer and
3 Taloa and continued to shadow their movements, and sit uncomfortably
4 close to them. Spencer had never experienced anything like that before in
5 his life. It was bizarre but also incredibly frightening and disturbing. It
6 appeared to Spencer that Blakeman was coordinating his actions with a
7 group of guys who were standing in the Rock Fort, along with others in the
8 water. They were all talking to each other and it was clear they all knew
9 each other.

10 At one point while Spencer was in the water and was paddling west
11 out to the ocean, he saw a man surfing, coming in east towards the shore.
12 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
13 of the fins on his surfboard sliced open his right wrist. Spencer has about a
14 half-inch scar from where this man ran him over. As soon as the Bay Boy
15 ran him over, he started berating Spencer, saying things like "what are you
16 fucking doing out here? I told you to go home. I should have run you over.
17 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
18 was pretending that he didn't see Spencer but it was obvious that he did and
19 intentionally ran him over. With over 30 years of surfing experience, Spencer
20 knew that this collision was intentional on his part. Fearful of being further
21 injured at that point, and not wanting to get into an argument with him,
22 Spencer just paddled away. Spencer and Taloa caught one more wave after
23 that and then decided it was getting too dangerous to surf. More men started
24 showing up at the Rock Fort and Spencer and Taloa were growing
25 increasingly fearful for their safety. Spencer was also bleeding and in pain.
26 These incidents are described in the declarations filed with Plaintiffs motion
27 for class certification and the deposition of Spencer.

28 Spencer further identifies the following individuals as having

1 knowledge of concerted efforts by the Bay Boys, including Blakeman:

2 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
3 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
4 shadowing Spencer's movement in the water. Blakeman was in the water
5 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
6 toward Taloa, at which point Taloa told him that he was too close.

7 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."

8 Taloa kept moving in the water, and Blakeman attempted to keep up with
9 him but was not in good enough shape to do so.

10 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
11 by Blakeman and other Lunada Bay locals on multiple occasions. On
12 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
13 Wright and harassed them. Blakeman was there filming the incident.⁶ On
14 February 13, 2016, Reed and Wright returned to Lunada Bay and Blakeman
15 and a teenage boy attempted to block their pathway on the trail. Blakeman
16 and the other boy were filming Reed and Wright, and Blakeman told them
17 that they were "done," in a hostile and threatening manner. Later that
18 morning, after Reed and Wright had continued down the path, Blakeman
19 and Defendant Alan Johnston rushed into the Rock Fort where Reed was
20 taking photos; the assault appeared to be a coordinated and orchestrated
21 and in retaliation for an article that appeared in the Los Angeles Times.

22 Blakeman was filming Reed and had his camera close to her face. Reed
23 asked why he was filming her, and Blakeman responded, "Because I feel

24
25
26 ⁶ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 like it,” and Johnston responded, “Because you’re hot.” Charlie Ferrara was
2 present during this incident, and observed the entire thing. Although Ferrara
3 apologized later for their behavior, he appeared to be complicit in Blakeman
4 and Johnston’s actions. These incidents are described in the declarations
5 filed with Plaintiffs motion for class certification and the deposition of Reed.

6 Jen Bell. The incident described above was witnessed by a woman
7 named Jen Bell who had gone to Lunada Bay that same day to photograph
8 a guy from Malibu. When she attempted sit down on the beach with her
9 pack, a man said: “You are practically sitting in a men’s locker-room. You
10 don’t make me feel comfortable”. Bell continued to sit there for another 10
11 mins because she refused to be intimidated but decided to head over to the
12 fort because she saw another woman, Diana Reed, was taking photos. Bell
13 was in the Rock Fort when Blakeman and Johnston arrived. It was obvious
14 from the start that Johnston and Blakeman were there with the intent to
15 harass Reed. Johnston was making rude comments to both her and Reed.
16 Blakeman was putting the GoPro in their faces. Johnston was chugging
17 multiple beers and it was early in the morning. Johnston asked her to help
18 him with his wetsuit. He said “Can you help me with this?” and handed her
19 the leg of his wetsuit. Johnston made moaning sounds when she took it like
20 he was having an orgasm.

21 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
22 with Chris Claypool and Kenneth Claypool. He observed Blakeman
23 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
24 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
25 foot-high wave and was up riding for several seconds. Alan Johnston
26 paddled the wrong way on this wave, dropped in on him going the wrong
27 way on the wave, and yelled, “Oh no, you don’t!” Dropping in on a surfer
28 while going the wrong way violates normal surf etiquette. Johnston then

1 collided with Wright, and their leashes got tangled. After they surfaced from
2 the collision, Johnston then got close to Wright and yelled, "You had to
3 fucking take that wave, didn't you!" The next wave that came through then
4 broke Wrights leash plug and the board was carried into the rocks, which
5 destroyed a new surfboard. Wright had to swim in over rocks to get his
6 board and cut his hands on the rocks doing so. Wright is confident that
7 Johnston was attempted to purposefully injure him. What he did was
8 extremely dangerous.

9 Wright has observed Blakeman on many occasions. Blakeman is easy
10 to identify because he rides a kneeboard and he is regularly filming visitors
11 on land with a camcorder. Wright believes his filming is an effort to intimidate
12 visitors. In the water, Wright has observed what appears to be Blakeman
13 directing other Bay Boys to sit close to visiting surfers. Wright has observed
14 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
15 the visitors, impede their movements, block their surfing, kick at them,
16 splash water at them, and dangerously drop in on them. In addition to
17 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
18 Charlie Ferrara, and David Mello engage in this activity. These incidents are
19 described in the declarations filed with Plaintiffs motion for class certification.

20 Ken Claypool has been harassed and filmed by Blakeman in an
21 attempt to intimidate him at Lunada Bay on multiple occasions. In January
22 2015, Claypool and his brother Chris Claypool along with Jordan Wright
23 went to surf Lunada Bay. There were about five Lunada Bay locals in the
24 water, including Blakeman who paddled over and threatened them. Claypool
25 observed Blakeman intentionally dropped in on Wright at least twice.

26 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa
27 and Jordan Wright. There was a photographer from the Los Angeles Times
28 that was there. Also in attendance was Cory Spencer and Diana Reed.

1 Spencer was there to watch the cars. Blakeman was there filming in an
2 effort to intimidate visitors. Blakeman can be seen in one of the pictures
3 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
4 are informed and believe that there was a text message sent that day to
5 Papayans, Michael Theil and 11 other people stating that there were 5
6 kooks standing on the bluff taking pictures, including Taloa. The text states:
7 "Things could get ugly. We all need to surf." These incidents are described
8 in the declarations filed with Plaintiffs motion for class certification.

9 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
10 Lunada Bay in January 2015. There were about five locals in the water,
11 including Blakeman who paddled over and was yelling "Try and catch a
12 wave and see what happens. There is no fucking way you are getting a
13 wave. Just go in. Just go. You better not cut me off." Blakeman looked
14 possessed or possibly on drugs. His behavior got more bizarre throughout
15 the morning. He seemed to be paddling for every wave that he could
16 physically push himself into, perhaps to make a point, but he was wiping out
17 a lot and falling down the face and tumbling across the rock reef. Blakeman
18 looked dangerous to himself. When Blakeman would actually catch a wave
19 in, he would paddle back to where Claypool and his brother were sitting, and
20 continue his insane rant. On one occasion, Blakeman came less than 12
21 inches from Claypool's ear and was screaming. It was so loud, Claypool had
22 to put his fingers in his ear to protect them from being damaged. Claypool is
23 a sound engineer and to put this in perspective, a rock concert creates about
24 120 decibels of noise - this was louder; a jet engine creates about 150
25 decibels. At one point Blakeman caught a wave and drew a line aiming right
26 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
27 as he narrowly missed Claypool's head. Claypool watched as Blakeman
28 intentionally dropped in on Jordan at least twice. It seemed obvious to

1 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
2 them were having fun. Because this was getting dangerous, they decided to
3 leave.

4 When Claypool and his brother got out of water, they saw people
5 gathering on top of the cliff. One person was videotaping them from the top
6 of the cliff; it was clear to Claypool that he was doing this to try and
7 intimidate them. The people were watching them from the cliff. It was
8 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
9 obstruct his free passage and use in the customary manner of a public
10 space. It also seemed clear that Blakeman engaged in a concerted effort
11 with other Bay Boys to try and injure him. These incidents are described in
12 the declarations filed with Plaintiffs motion for class certification.

13 Jason Gersch. While observing the surf, Gersch was approached by
14 two local Bay Boys named Peter McCollum and Brant Blakeman. These
15 individuals made it known to Gersch that he could not surf there. These
16 incidents are described in the declarations filed with Plaintiffs motion for
17 class certification.

18 Plaintiffs are informed and believe and on that basis allege that
19 Defendant Blakeman and his attorneys are attempting to intimidate
20 witnesses in this case. On at least two occasions, an investigator hired by
21 Blakeman's attorneys contacted witnesses represented by Plaintiffs'
22 attorneys. The investigator also showed up at the home of a reporter that
23 has not been listed as a witness.

24 The request is premature. Because Blakeman and the other
25 defendants are refusing to comply with their obligations to produce
26 documents under the federal rules and are impermissibly withholding
27 evidence and/or possibly spoliating evidence, we are not able to fully
28 respond to discovery requests which necessarily rely on our ability to fully

1 investigate the facts. As discovery is continuing, Spencer reserves the right
2 to update this response.

3 **INTERROGATORY NO. 3:**

4 IDENTIFY ALL PERSONS that have knowledge of any facts that
5 support your contention in paragraph 18 of the Complaint that BRANT
6 BLAKEMAN “sell[s] market[s] and use[s] illegal controlled substances from
7 the Lunada Bay Bluffs and the Rock Fort” and for each such PERSON
8 identified state all facts you contend are within the PERSON’s knowledge.

9 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:**

10 Responding Party objects to this interrogatory as premature. Because
11 this interrogatory seeks or necessarily relies upon a contention, and
12 because this matter is in its early stages and pretrial discovery has only just
13 begun, Responding Party is unable to provide a complete response at this
14 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
15 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
16 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
17 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]
18 interrogatory need not be answered until designated discovery is complete,
19 or until a pretrial conference or some other time.”).

20 Responding Party further objects to this interrogatory as unduly
21 burdensome, harassing, and duplicative of information disclosed in
22 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.
23 Propounding Party may look to Responding Party’s Rule 26(a) disclosures
24 and supplemental disclosures for the information sought by this
25 interrogatory. Moreover, Responding Party had the opportunity to depose
26 Mr. Spencer on this topic.

27 Responding Party further objects to this interrogatory as compound.
28 This “interrogatory” contains multiple impermissible subparts, which

1 Propounding Party has propounded to circumvent the numerical limitations
2 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

3 Responding Party further objects to this interrogatory on the grounds
4 that it seeks information that is outside of Responding Party's knowledge.

5 Responding Party further objects to the extent that this interrogatory
6 invades attorney-client privilege and/or violates the work product doctrine by
7 compelling Responding Party to disclose privileged communications and/or
8 litigation strategy.

9 Subject to and without waiver of the foregoing objections, Responding
10 Party responds as follows:

11 In addition to each defendant named in his individual capacity and
12 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
13 and the evidence submitted in support of Plaintiffs motion for class
14 certification, Responding Party identifies the following individuals: an
15 individual that is goes by the name The Weasel.

16 The request is premature. Because Blakeman and the other
17 defendants are refusing to comply with their obligations to produce
18 documents under the federal rules and are impermissibly withholding
19 evidence and/or possibly spoliating evidence, we are not able to fully
20 respond to discovery requests which necessarily rely on our ability to fully
21 investigate the facts. As discovery is continuing, Spencer reserves the right
22 to update this response.

23 **INTERROGATORY NO. 4:**

24 IDENTIFY ALL PERSONS that have knowledge of any facts that
25 support your contention in paragraph 18 of the Complaint that BRANT
26 BLAKEMAN "impede[d] boat traffic" at any time, and for each such PERSON
27 identified state all facts you contend are within that PERSON's knowledge.
28

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:

Responding Party objects to this interrogatory as premature. Because this interrogatory seeks or necessarily relies upon a contention, and because this matter is in its early stages and pretrial discovery has only just begun, Responding Party is unable to provide a complete response at this time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*, 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention] interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.").

Responding Party further objects to this interrogatory as unduly burdensome, harassing, and duplicative of information disclosed in Responding Party's Rule 26(a) disclosures and supplemental disclosures. Propounding Party may look to Responding Party's Rule 26(a) disclosures and supplemental disclosures for the information sought by this interrogatory. Moreover, Responding Party had the opportunity to depose Mr. Spencer on this topic.

Responding Party further objects to this interrogatory as compound. This "interrogatory" contains multiple impermissible subparts, which Propounding Party has propounded to circumvent the numerical limitations on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

Responding Party further objects to this interrogatory on the grounds that it seeks information that is outside of Responding Party's knowledge.

Responding Party further objects to the extent that this interrogatory invades attorney-client privilege and/or violates the work product doctrine by compelling Responding Party to disclose privileged communications and/or litigation strategy. Responding Party will not provide any such information.

1 Subject to and without waiver of the foregoing objections, Responding
2 Party responds as follows:

3 In addition to each defendant named in his individual capacity and
4 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
5 and the evidence submitted in support of Plaintiffs motion for class
6 certification, Responding Party identifies the following individuals: Jordan
7 Wright, Ken Claypool.

8 The request is premature. Because Blakeman and the other
9 defendants are refusing to comply with their obligations to produce
10 documents under the federal rules and are impermissibly withholding
11 evidence and/or possibly spoliating evidence, we are not able to fully
12 respond to discovery requests which necessarily rely on our ability to fully
13 investigate the facts. As discovery is continuing, Spencer reserves the right
14 to update this response.

15 **INTERROGATORY NO. 5:**

16 IDENTIFY ALL PERSONS that have knowledge of any facts that
17 support your contention in paragraph 18 of the Complaint that BRANT
18 BLAKEMAN "dangerously disregard[ed] surfing rules" at any time, and for
19 each such PERSON identified state all facts you contend are within that
20 PERSON's knowledge.

21 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:**

22 Responding Party objects to this interrogatory as premature. Because
23 this interrogatory seeks or necessarily relies upon a contention, and
24 because this matter is in its early stages and pretrial discovery has only just
25 begun, Responding Party is unable to provide a complete response at this
26 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
27 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
28 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see

1 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
2 interrogatory need not be answered until designated discovery is complete,
3 or until a pretrial conference or some other time.").

4 Responding Party further objects to this interrogatory as unduly
5 burdensome, harassing, and duplicative of information disclosed in
6 Responding Party's Rule 26(a) disclosures and supplemental disclosures.
7 Propounding Party may look to Responding Party's Rule 26(a) disclosures
8 and supplemental disclosures for the information sought by this
9 interrogatory. Moreover, Responding Party had the opportunity to depose
10 Mr. Spencer on this topic.

11 Responding Party further objects to this interrogatory as compound.
12 This "interrogatory" contains multiple impermissible subparts, which
13 Propounding Party has propounded to circumvent the numerical limitations
14 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

15 Responding Party further objects to this interrogatory on the grounds
16 that it seeks information that is outside of Responding Party's knowledge.

17 Responding Party further objects to the extent that this interrogatory
18 invades attorney-client privilege and/or violates the work product doctrine by
19 compelling Responding Party to disclose privileged communications and/or
20 litigation strategy.

21 Subject to and without waiver of the foregoing objections, Responding
22 Party responds as follows:

23 In addition to each defendant named in his individual capacity and
24 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,
25 and the evidence submitted in support of Plaintiffs motion for class
26 certification, Responding Party identifies the following individuals:

27 Cory Spencer: Spencer believes that Blakeman engaged in a
28 concerted effort with other Bay Boys to obstruct his free passage and use in

1 the customary manner of a public space. Spencer also believes that
2 Blakeman coordinated with other Bay Boys to assault him while he was
3 surfing. Spencer believes that the conduct directed at him others trying to
4 surf Lunada Bay is part of an agreement among Blakeman and the other
5 Bay Boys, which at a minimum, may be implied by the conduct of the parties
6 and other members of the Bay Boys. Spencer believes that the Bay Boys
7 concerted efforts to stop the public from accessing the beach are
8 documented in text messages and emails being withheld by the Defendants
9 in this case. For example, Plaintiffs are informed and believe that a text
10 message was sent to Defendant Papayans on February 7, 2016, by a Bay
11 Boy inquiring "How was all that Taloa shit? Charley called me and my dad
12 said why weren't you down there."

13 The specific acts directed against Spencer include but are not limited
14 to the following:

15 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
16 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
17 They were told that they couldn't surf there, and Spencer was called a
18 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
19 you fucking go home, you fucking kook" and asked "how many other good
20 places did you pass to come here?" These are the same types of statements
21 made by Defendant Sang Lee and others that can be observed on the video
22 published by the Guardian.⁷ These taunts started while Spencer and Taloa
23 were on the bluffs getting ready to surf. One individual continued to heckle
24 Spencer and Taloa on their way down to the beach and into the water.

26 ⁷ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
27 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

28 (footnote continued)

1 Blakeman was already in the water and began paddling around
2 Spencer and Taloa in a tight circle – staying just a few feet away from them.
3 There was no legitimate reason for this conduct.⁸ Spencer believes that this
4 is a tactic used by the Bay Boys to harass people. Blakeman impeded
5 Spencer's movement in any direction and was intentionally blocking him
6 from catching any waves. It was clear to Spencer that Blakeman was not
7 there to surf that morning. Instead, his mission was to prevent Spencer and
8 Taloa from surfing and to keep them from enjoying their time in the water,
9 the open space, the waves, and nature. This the type of concerted effort was
10 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
11 people from surfing at Lunada Bay. In the approximately 90 minutes that
12 Spencer was in the water that day, Blakeman was focused on Spencer and
13 Taloa and continued to shadow their movements, and sit uncomfortably
14 close to them. Spencer had never experienced anything like that before in
15 his life. It was bizarre but also incredibly frightening and disturbing. It
16 appeared to Spencer that Blakeman was coordinating his actions with a
17 group of guys who were standing in the Rock Fort, along with others in the
18 water. They were all talking to each other and it was clear they all knew
19 each other.

20 At one point while Spencer was in the water and was paddling west
21 out to the ocean, he saw a man surfing, coming in east towards the shore.
22 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
23 of the fins on his surfboard sliced open his right wrist. Spencer has about a
24 half-inch scar from where this man ran him over. As soon as the Bay Boy
25

26
27 ⁸ Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
and me and Jack just sat on his ass."

1 ran him over, he started berating Spencer, saying things like "what are you
2 fucking doing out here? I told you to go home. I should have run you over.
3 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
4 was pretending that he didn't see Spencer but it was obvious that he did and
5 intentionally ran him over. With over 30 years of surfing experience, Spencer
6 knew that this collision was intentional on his part. Fearful of being further
7 injured at that point, and not wanting to get into an argument with him,
8 Spencer just paddled away. Spencer and Taloa caught one more wave after
9 that and then decided it was getting too dangerous to surf. More men started
10 showing up at the Rock Fort and Spencer and Taloa were growing
11 increasingly fearful for their safety. Spencer was also bleeding and in pain.
12 These incidents are described in the declarations filed with Plaintiffs motion
13 for class certification and the deposition of Spencer.

14 Spencer further identifies the following individuals as having
15 knowledge of concerted efforts by the Bay Boys, including Blakeman:

16 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
17 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
18 shadowing Spencer's movement in the water. Blakeman was in the water
19 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
20 toward Taloa, at which point Taloa told him that he was too close.
21 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
22 Taloa kept moving in the water, and Blakeman attempted to keep up with
23 him but was not in good enough shape to do so.

24 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
25 with Chris Claypool and Kenneth Claypool. He observed Blakeman
26 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
27 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
28 foot-high wave and was up riding for several seconds. Alan Johnston

1 paddled the wrong way on this wave, dropped in on him going the wrong
2 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
3 while going the wrong way violates normal surf etiquette. Johnston then
4 collided with Wright, and their leashes got tangled. After they surfaced from
5 the collision, Johnston then got close to Wright and yelled, "You had to
6 fucking take that wave, didn't you!" The next wave that came through then
7 broke Wrights leash plug and the board was carried into the rocks, which
8 destroyed a new surfboard. Wright had to swim in over rocks to get his
9 board and cut his hands on the rocks doing so. Wright is confident that
10 Johnston was attempted to purposefully injure him. What he did was
11 extremely dangerous.

12 Wright has observed Blakeman on many occasions. Blakeman is easy
13 to identify because he rides a kneeboard and he is regularly filming visitors
14 on land with a camcorder. Wright believes his filming is an effort to intimidate
15 visitors. In the water, Wright has observed what appears to be Blakeman
16 directing other Bay Boys to sit close to visiting surfers. Wright has observed
17 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
18 the visitors, impede their movements, block their surfing, kick at them,
19 splash water at them, and dangerously drop in on them. In addition to
20 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
21 Charlie Ferrara, and David Mello engage in this activity. These incidents are
22 described in the declarations filed with Plaintiffs motion for class certification.

23 Ken Claypool has been harassed and filmed by Blakeman in an
24 attempt to intimidate him at Lunada Bay on multiple occasions. In January
25 2015, Claypool and his brother Chris Claypool along with Jordan Wright
26 went to surf Lunada Bay. There were about five Lunada Bay locals in the
27 water, including Blakeman who paddled over and threatened them. Claypool
28 observed Blakeman intentionally dropped in on Wright at least twice.

1 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
2 Lunada Bay in January 2015. There were about five locals in the water,
3 including Blakeman who paddled over and was yelling "Try and catch a
4 wave and see what happens. There is no fucking way you are getting a
5 wave. Just go in. Just go. You better not cut me off." Blakeman looked
6 possessed or possibly on drugs. His behavior got more bizarre throughout
7 the morning. He seemed to be paddling for every wave that he could
8 physically push himself into, perhaps to make a point, but he was wiping out
9 a lot and falling down the face and tumbling across the rock reef. Blakeman
10 looked dangerous to himself. When Blakeman would actually catch a wave
11 in, he would paddle back to where Claypool and his brother were sitting, and
12 continue his insane rant. On one occasion, Blakeman came less than 12
13 inches from Claypool's ear and was screaming. It was so loud, Claypool had
14 to put his fingers in his ear to protect them from being damaged. Claypool is
15 a sound engineer and to put this in perspective, a rock concert creates about
16 120 decibels of noise - this was louder; a jet engine creates about 150
17 decibels. At one point Blakeman caught a wave and drew a line aiming right
18 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"
19 as he narrowly missed Claypool's head. Claypool watched as Blakeman
20 intentionally dropped in on Jordan at least twice. It seemed obvious to
21 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
22 them were having fun. Because this was getting dangerous, they decided to
23 leave.

24 When Claypool and his brother got out of water, they saw people
25 gathering on top of the cliff. One person was videotaping them from the top
26 of the cliff; it was clear to Claypool that he was doing this to try and
27 intimidate them. The people were watching them from the cliff. It was
28 obvious that Blakeman engaged in a concerted effort with other Bay Boys to

1 obstruct his free passage and use in the customary manner of a public
2 space. It also seemed clear that Blakeman engaged in a concerted effort
3 with other Bay Boys to try and injure him. These incidents are described in
4 the declarations filed with Plaintiffs motion for class certification.

5 Plaintiffs are informed and believe and on that basis allege that
6 Defendant Blakeman and his attorneys are attempting to intimidate
7 witnesses in this case. On at least two occasions, an investigator hired by
8 Blakeman's attorneys contacted witnesses represented by Plaintiffs'
9 attorneys. The investigator also showed up at the home of a reporter that
10 has not been listed as a witness.

11 The request is premature. Because Blakeman and the other
12 defendants are refusing to comply with their obligations to produce
13 documents under the federal rules and are impermissibly withholding
14 evidence and/or possibly spoliating evidence, we are not able to fully
15 respond to discovery requests which necessarily rely on our ability to fully
16 investigate the facts. As discovery is continuing, Spencer reserves the right
17 to update this response.

18 **INTERROGATORY NO. 6:**

19 IDENTIFY ALL PERSONS that have knowledge of any facts that
20 support your contention that BRANT BLAKEMAN has illegally extorted
21 money from beachgoers who wish to use Lunada Bay for recreational
22 purposes (See paragraph 33 j. of the Complaint), and for each such
23 PERSON identified state all facts you contend are within that PERSON's
24 knowledge.

25 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:**

26 Responding Party objects to this interrogatory as premature. Because
27 this interrogatory seeks or necessarily relies upon a contention, and
28 because this matter is in its early stages and pretrial discovery has only just

1 begun, Responding Party is unable to provide a complete response at this
2 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
3 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
4 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
5 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
6 interrogatory need not be answered until designated discovery is complete,
7 or until a pretrial conference or some other time.").

8 Responding Party further objects to this interrogatory as unduly
9 burdensome, harassing, and duplicative of information disclosed in
10 Responding Party's Rule 26(a) disclosures and supplemental disclosures.
11 Propounding Party may look to Responding Party's Rule 26(a) disclosures
12 and supplemental disclosures for the information sought by this
13 interrogatory. Moreover, Responding Party had the opportunity to depose
14 Mr. Spencer on this topic.

15 Responding Party further objects to this interrogatory as compound.
16 This "interrogatory" contains multiple impermissible subparts, which
17 Propounding Party has propounded to circumvent the numerical limitations
18 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

19 Responding Party further objects to this interrogatory on the grounds
20 that it seeks information that is outside of Responding Party's knowledge.

21 Responding Party further objects to the extent that this interrogatory
22 invades attorney-client privilege and/or violates the work product doctrine by
23 compelling Responding Party to disclose privileged communications and/or
24 litigation strategy. Responding Party will not provide any such information.

25 The request is premature. Because Blakeman and the other
26 defendants are refusing to comply with their obligations to produce
27 documents under the federal rules and are impermissibly withholding
28 evidence and/or possibly spoliating evidence, we are not able to fully

1 respond to discovery requests which necessarily rely on our ability to fully
2 investigate the facts. As discovery is continuing, Spencer reserves the right
3 to update this response.

4 **INTERROGATORY NO. 7:**

5 IDENTIFY ALL PERSONS that have knowledge of any facts that
6 support your contention that BRANT BLAKEMAN was a part of a Civil
7 Conspiracy as identified in your complaint in paragraphs 51 through 53, and
8 for each such PERSON identified state all facts you contend are within that
9 PERSON's knowledge.

10 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:**

11 Responding Party objects to this interrogatory as premature. Because
12 this interrogatory seeks or necessarily relies upon a contention, and
13 because this matter is in its early stages and pretrial discovery has only just
14 begun, Responding Party is unable to provide a complete response at this
15 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,
16 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at *1; *Folz v. Union Pacific*
17 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at *1-2.; see
18 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]
19 interrogatory need not be answered until designated discovery is complete,
20 or until a pretrial conference or some other time.").

21 Responding Party further objects to this interrogatory as unduly
22 burdensome, harassing, and duplicative of information disclosed in
23 Responding Party's Rule 26(a) disclosures and supplemental disclosures.
24 Propounding Party may look to Responding Party's Rule 26(a) disclosures
25 and supplemental disclosures for the information sought by this
26 interrogatory. Moreover, Responding Party had the opportunity to depose
27 Mr. Spencer on this topic.

28 Responding Party further objects to this interrogatory as compound.

1 This "interrogatory" contains multiple impermissible subparts, which
2 Propounding Party has propounded to circumvent the numerical limitations
3 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

4 Responding Party further objects to this interrogatory on the grounds
5 that it seeks information that is outside of Responding Party's knowledge.

6 Responding Party further objects to the extent that this interrogatory
7 invades attorney-client privilege and/or violates the work product doctrine by
8 compelling Responding Party to disclose privileged communications and/or
9 litigation strategy.

10 Subject to and without waiver of the foregoing objections, Responding
11 Party responds as follows:

12 In addition to each defendant named in his individual capacity and
13 other persons identified in Plaintiffs' initial and supplemental disclosures, and
14 the evidence submitted in support of Plaintiffs motion for class certification,
15 Responding Party identifies the following individuals:

16 Cory Spencer: Spencer believes that Blakeman engaged in a
17 concerted effort with other Bay Boys to obstruct his free passage and use in
18 the customary manner of a public space. Spencer also believes that
19 Blakeman coordinated with other Bay Boys to assault Spencer while he was
20 surfing. Spencer believes that the conduct directed at him others trying to
21 surf Lunada Bay is part of an agreement among Blakeman and the other
22 Bay Boys, which at a minimum, may be implied by the conduct of the parties
23 and other members of the Bay Boys. Spencer believes that the Bay Boys
24 concerted efforts to stop the public from accessing the beach are
25 documented in text messages and emails being withheld by the Defendants
26 in this case. For example, Plaintiffs are informed and believe that a text
27 message was sent to Defendant Papayans on February 7, 2016, by a Bay
28 Boy inquiring "How was all that Taloa shit? Charley called me and my dad

1 said why weren't you down there." In addition, plaintiffs believe that the Bay
2 Boys take photos and/or video tape people as a form of harassment and
3 intimidation. For example, plaintiffs are also informed and believe that a
4 Lunada Bay local named Joshua Bernstein was taking pictures at the MLK
5 2014 paddle out. Plaintiffs are also informed and believe that Bernstein told
6 several people after he photographed them "know we know who you are."
7 As another example, there are emails from Sang Lee discussing the Bay
8 Boys concerted efforts to stop the public from accessing the beach.

9 The specific acts directed against Spencer include but are not limited
10 to the following:

11 Spencer and Chris Taloa went to surf Lunada Bay. Almost instantly
12 after they arrived at Lunada Bay, they started getting harassed by Bay Boys.
13 They were told that they couldn't surf there, and Spencer was called a
14 "kook," which is a derogatory surfing term. Spencer was also told: "why don't
15 you fucking go home, you fucking kook" and asked "how many other good
16 places did you pass to come here?" These are the same types of statements
17 made by Defendant Sang Lee and others that can be observed on the video
18 published by the Guardian.⁹ These taunts started while Spencer and Taloa
19 were on the bluffs getting ready to surf. One individual continued to heckle
20 Spencer and Taloa on their way down to the beach and into the water.

21 Blakeman was already in the water and began paddling around
22 Spencer and Taloa in a tight circle – staying just a few feet away from them.
23 There was no legitimate reason for this conduct.¹⁰ Spencer believes that this

24 _____
25 ⁹ [https://www.theguardian.com/travel/video/2015/may/18/california-surf-](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)
26 [wars-lunada-bay-localism-video.](https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video)

27 ¹⁰ Plaintiffs are informed and believe that Defendant Papayans sent a text
28 message describing similar conduct: "We just had a kook out in the water
(footnote continued)

1 is a tactic used by the Bay Boys to harass people. Blakeman impeded
2 Spencer's movement in any direction and was intentionally blocking him
3 from catching any waves. It was clear to Spencer that Blakeman was not
4 there to surf that morning. Instead, his mission was to prevent Spencer and
5 Taloa from surfing and to keep them from enjoying their time in the water,
6 the open space, the waves, and nature. This the type of concerted effort was
7 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep
8 people from surfing at Lunada Bay. In the approximately 90 minutes that
9 Spencer was in the water that day, Blakeman was focused on Spencer and
10 Taloa and continued to shadow their movements, and sit uncomfortably
11 close to them. Spencer had never experienced anything like that before in
12 his life. It was bizarre but also incredibly frightening and disturbing. It
13 appeared to Spencer that Blakeman was coordinating his actions with a
14 group of guys who were standing in the Rock Fort, along with others in the
15 water. They were all talking to each other and it was clear they all knew
16 each other.

17 At one point while Spencer was in the water and was paddling west
18 out to the ocean, he saw a man surfing, coming in east towards the shore.
19 The Bay Boy ran over his hand/wrist that was holding his surfboard and one
20 of the fins on his surfboard sliced open his right wrist. Spencer has about a
21 half-inch scar from where this man ran him over. As soon as the Bay Boy
22 ran him over, he started berating Spencer, saying things like "what are you
23 fucking doing out here? I told you to go home. I should have run you over.
24 Why are you paddling in the sun glare where I can't see you?" The Bay Boy
25 was pretending that he didn't see Spencer but it was obvious that he did and
26
27 _____
28 and me and Jack just sat on his ass."

1 intentionally ran him over. With over 30 years of surfing experience, Spencer
2 knew that this collision was intentional on his part. Fearful of being further
3 injured at that point, and not wanting to get into an argument with him,
4 Spencer just paddled away. Spencer and Taloa caught one more wave after
5 that and then decided it was getting too dangerous to surf. More men started
6 showing up at the Rock Fort and Spencer and Taloa were growing
7 increasingly fearful for their safety. Spencer was also bleeding and in pain.
8 These incidents are described in the declarations filed with Plaintiffs motion
9 for class certification and the deposition of Spencer.

10 Spencer further identifies the following individuals as having
11 knowledge of concerted efforts by the Bay Boys, including Blakeman:

12 Christopher Taloa. As set forth above, Taloa and Spencer went surfing
13 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman
14 shadowing Spencer's movement in the water. Blakeman was in the water
15 with four or five other Lunada Bay Locals. At one point, Blakeman paddled
16 toward Taloa, at which point Taloa told him that he was too close.
17 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."
18 Taloa kept moving in the water, and Blakeman attempted to keep up with
19 him but was not in good enough shape to do so.

20 Plaintiffs are also informed and believe that a Lunada Bay local named
21 Joshua Bernstein was taking pictures at the MLK 2014 paddle out. Plaintiffs
22 are also informed and believe that Bernstein told several people after he
23 photographed them "know we know who you are." Plaintiffs are informed
24 and believe that the Bay Boys use cameras to harass and intimidate people.
25 These incidents are described in the declarations filed with Plaintiffs motion
26 for class certification and the deposition of Taloa.

27 Diana Milena Reed. As set forth in the Complaint, Reed was harassed
28 by Blakeman and other Lunada Bay locals on multiple occasions. On

1 January 29, 2016, a group of Bay Boys, surrounded Reed and Jordan
2 Wright and harassed them. Blakeman was there filming the incident.¹¹ On
3 February 13, 2016, Reed and Wright returned to Lunada Bay and Blakeman
4 and a teenage boy attempted to block their pathway on the trail. Blakeman
5 and the other boy were filming Reed and Wright, and Blakeman told them
6 that they were "done," in a hostile and threatening manner. Later that
7 morning, after Reed and Wright had continued down the path, Blakeman
8 and Defendant Alan Johnston rushed into the Rock Fort where Reed was
9 taking photos; the assault appeared to be a coordinated and orchestrated
10 and in retaliation for an article that appeared in the Los Angeles Times.
11 Blakeman was filming Reed and had his camera close to her face. Reed
12 asked why he was filming her, and Blakeman responded, "Because I feel
13 like it," and Johnston responded, "Because you're hot." Charlie Ferrara was
14 present during this incident, and observed the entire thing. Although Ferrara
15 apologized later for their behavior, he appeared to be complicit in Blakeman
16 and Johnston's actions. These incidents are described in the declarations
17 filed with Plaintiffs motion for class certification and the deposition of Reed.

18 Jen Bell. The incident described above was witnessed by a woman
19 named Jen Bell who had gone to Lunada Bay that same day to photograph
20 a guy from Malibu. When she attempted sit down on the beach with her
21 pack, a man said: "You are practically sitting in a men's locker-room. You
22 don't make me feel comfortable". Bell continued to sit there for another 10
23 mins because she refused to be intimidated but decided to head over to the
24

25
26 ¹¹ Plaintiffs are informed and believe that there were text message sent on
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans
responded with a "LOL" and said he would be there.

1 fort because she saw another woman, Diana Reed, was taking photos. Bell
2 was in the Rock Fort when Blakeman and Johnston arrived. It was obvious
3 from the start that Johnston and Blakeman were there with the intent to
4 harass Reed. Johnston was making rude comments to both her and Reed.
5 Blakeman was putting the GoPro in their faces. Johnston was chugging
6 multiple beers and it was early in the morning. Johnston asked her to help
7 him with his wetsuit. He said "Can you help me with this?" and handed her
8 the leg of his wetsuit. Johnston made moaning sounds when she took it like
9 he was having an orgasm.

10 Jordan Wright. Wright attempted to surf Lunada Bay in January 2015
11 with Chris Claypool and Kenneth Claypool. He observed Blakeman
12 harassing Chris and Ken. Wright was sitting on the outside waiting his turn
13 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-
14 foot-high wave and was up riding for several seconds. Alan Johnston
15 paddled the wrong way on this wave, dropped in on him going the wrong
16 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer
17 while going the wrong way violates normal surf etiquette. Johnston then
18 collided with Wright, and their leashes got tangled. After they surfaced from
19 the collision, Johnston then got close to Wright and yelled, "You had to
20 fucking take that wave, didn't you!" The next wave that came through then
21 broke Wrights leash plug and the board was carried into the rocks, which
22 destroyed a new surfboard. Wright had to swim in over rocks to get his
23 board and cut his hands on the rocks doing so. Wright is confident that
24 Johnston was attempted to purposefully injure him. What he did was
25 extremely dangerous.

26 Wright has observed Blakeman on many occasions. Blakeman is easy
27 to identify because he rides a kneeboard and he is regularly filming visitors
28 on land with a camcorder. Wright believes his filming is an effort to intimidate

1 visitors. In the water, Wright has observed what appears to be Blakeman
2 directing other Bay Boys to sit close to visiting surfers. Wright has observed
3 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to
4 the visitors, impede their movements, block their surfing, kick at them,
5 splash water at them, and dangerously drop in on them. In addition to
6 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,
7 Charlie Ferrara, and David Mello engage in this activity. These incidents are
8 described in the declarations filed with Plaintiffs motion for class certification.

9 Ken Claypool has been harassed and filmed by Blakeman in an
10 attempt to intimidate him at Lunada Bay on multiple occasions. In January
11 2015, Claypool and his brother Chris Claypool along with Jordan Wright
12 went to surf Lunada Bay. There were about five Lunada Bay locals in the
13 water, including Blakeman who paddled over and threatened them. Claypool
14 observed Blakeman intentionally dropped in on Wright at least twice.

15 On February 5, 2016. Claypool went to Lunada Bay with Chris Taloa
16 and Jordan Wright. There was a photographer from the Los Angeles Times
17 that was there. Also in attendance was Cory Spencer and Diana Reed.
18 Spencer was there to watch the cars. Blakeman was there filming in an
19 effort to intimidate visitors. Blakeman can be seen in one of the pictures
20 taken by the photographer. Also present was Defendant Papayans. Plaintiffs
21 are informed and believe that there was a text message sent that day to
22 Papayans, Michael Theil and 11 other people stating that there were 5
23 kooks standing on the bluff taking pictures, including Taloa. The text states:
24 "Things could get ugly. We all need to surf." These incidents are described
25 in the declarations filed with Plaintiffs motion for class certification.

26 Chris Claypool, his brother Ken, and Jordan Wright attempted to surf
27 Lunada Bay in January 2015. There were about five locals in the water,
28 including Blakeman who paddled over and was yelling "Try and catch a

1 wave and see what happens. There is no fucking way you are getting a
2 wave. Just go in. Just go. You better not cut me off.” Blakeman looked
3 possessed or possibly on drugs. His behavior got more bizarre throughout
4 the morning. He seemed to be paddling for every wave that he could
5 physically push himself into, perhaps to make a point, but he was wiping out
6 a lot and falling down the face and tumbling across the rock reef. Blakeman
7 looked dangerous to himself. When Blakeman would actually catch a wave
8 in, he would paddle back to where Claypool and his brother were sitting, and
9 continue his insane rant. On one occasion, Blakeman came less than 12
10 inches from Claypool’s ear and was screaming. It was so loud, Claypool had
11 to put his fingers in his ear to protect them from being damaged. Claypool is
12 a sound engineer and to put this in perspective, a rock concert creates about
13 120 decibels of noise - this was louder; a jet engine creates about 150
14 decibels. At one point Blakeman caught a wave and drew a line aiming right
15 at Claypool. Another Bay Boy tried the same thing and said “mother fucker”
16 as he narrowly missed Claypool’s head. Claypool watched as Blakeman
17 intentionally dropped in on Jordan at least twice. It seemed obvious to
18 Claypool that Blakeman and the other Bay Boy wanted to make sure none of
19 them were having fun. Because this was getting dangerous, they decided to
20 leave.

21 When Claypool and his brother got out of water, they saw people
22 gathering on top of the cliff. One person was videotaping them from the top
23 of the cliff; it was clear to Claypool that he was doing this to try and
24 intimidate them. The people were watching them from the cliff. It was
25 obvious that Blakeman engaged in a concerted effort with other Bay Boys to
26 obstruct his free passage and use in the customary manner of a public
27 space. It also seemed clear that Blakeman engaged in a concerted effort
28 with other Bay Boys to try and injure him. These incidents are described in